In the Supreme Court of the United States

OCTOBER TERM, 1932

No. 567

THE UNITED STATES, APPELLANT

v.

SANTOS FLORES

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STATEMENT OF JURISDICTION

In compliance with Rule 12 of this Court, appellant submits herewith its statement showing the basis of the jurisdiction of this Court to entertain the appeal in the above-entitled cause:

A

STATUTES

The statutory jurisdiction of this Court to review by direct appeal the order here complained of is conferred by the Act of March 2, 1907, c. 2564, 34 Stat. 1246 (U. S. C., Title 18, Sec. 682), otherwise known as the Criminal Appeals Act, and by

Section 238 of the Judicial Code as amended by the Act of February 13, 1925.

B

DATES OF ORDER AND APPLICATION FOR APPEAL

The order of the District Court was entered November 7, 1932. (R. 17.)[1] An application for appeal was filed December 2, 1932, and allowed December 2, 1932. (R. 20.)

C

NATURE OF THE CASE

The indictment, consisting of one count, was based upon Sections 272, 273, and 275 of the Criminal Code (U. S. C., Title 18, Sections 451, 452, and 454), and charges a murder committed upon an American vessel anchored in the harbor of Matadi, Belgian Congo. (R. 3.) A demurrer was sustained on the ground that a vessel moored to an inland wharf was not on the high seas, and hence not within the jurisdiction of any United States District Court. (R. 7, 10, 15, 17.)

D

CASES SUSTAINING JURISDICTION

The following decisions are believed to sustain the jurisdiction of this Court, whether the order

[1]All references to the record are to the pages of the certified unprinted record prepared by the clerk of the District Court and on file with the clerk of this Court. The record has not yet been printed.

appealed from be deemed to have been entered as upon demurrer or as upon a special plea in bar:

United States v. *Thompson*, 251 U. S. 407, 412.

United States v. *Ramsey*, 271 U. S. 467.

United States v. *Goldman*, 277 U. S. 229, 236.

United States v. *Unzeuta*, 281 U. S. 138.

United States v. *Sprague*, 282 U. S. 716.

Respectfully submitted.

THOMAS D. THACHER,
Solicitor General.

DECEMBER, 1932.

U. S. GOVERNMENT PRINTING OFFICE: 1932